REMARKS

35 U.S.C. § 112 Rejection

Claims 1-10, 21-26 and 34-39 (all currently pending claims of the application) are rejected under 35 U.S.C. 112 ¶ 1 as failing to comply with the written description requirement. The Office action states that the claims contain "subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." Specifically, the Examiner found no support in the original specification for two limitations that Applicants added to each of independent claims 1, 21 and 34 in Amendment E: (1) that output data be removed from the second database "in response to" transmission of said output data; and (2) that processes 1-6 of the programmed hardware in claim 1, steps 1-6 in the method of claim 21, and steps 1-13 in the method of claim 34 are performed "without command from the central authority."

As explained in Amendment E, Applicants believe that the "in response to" limitation of independent claims 1, 21 and 34 is at least inherently supported by, for example, paragraph 58 of the specification as originally filed. Nonetheless, Applicants have amended each independent claim by removing the words "in response to" and replacing them with the word "after," thereby overcoming the Examiner's first basis for rejection under 35 U.S.C. 112 ¶ 1.

The Examiner's second basis for rejection under 35 U.S.C. 112 ¶ 1 is partially overcome by amendment and partially traversed. Applicants have amended independent claims 1, 21 and 34 to recite that only certain processes or steps must be performed without command from the central authority (whereas the remaining processes or steps may or may not be performed without command from the central authority). More specifically, each independent claim now

only requires that the process (claim 1), step (claim 21) or steps (claim 34) of transmitting at least a portion of input data (which is stored apart from the central authority database) to a gaming machine be performed without command from the central authority. To the extent that the Examiner finds that the originally filed specification does not support performance of this particular process or step without command from the central authority, Applicants respectfully disagree and traverse the rejection.

The originally filed specification describes local data processing units 40 and 60, which are both apart from a central authority 22 and which each include a local database (46 or 66, respectively) and a CPU (42 or 62, respectively). See ¶¶ 21, 24-26; Figure 2. The specification further discloses that gaming machine input data is occasionally transmitted from each local database 46 or 66 to gaming machines. See, e.g., ¶¶ 24, 26.

The specification makes clear that it is not the central authority that controls transmission of input data to gaming machines, but instead the CPU 42 or 62 within a local data processing unit:

> On occasion, one of gaming machines 100 and 102 requires transmission of input data stored in local database 46, and the input data is sent to the gamine machine under control of CPU 42.

¶ 24 (emphasis added).

> On occasion, one of gaming machines 104 and 106 requires transmission of input data stored in local database 66, and the input data is sent to the gamine machine under control of CPU 62.

¶ 26 (emphasis added). These quotes clearly indicate that the process or step(s) of transmitting input data to a gaming machine is performed autonomously by the local data processing unit, and therefore without command from the central authority.

Furthermore, the originally filed specification repeatedly and clearly indicates that the local data processing units can transmit input data to gaming machines even while the central authority is inoperable, and thus without command from the central authority. For example, paragraph 23 (page 11) states:

> Units 40 and 60 are also designed to store data from database 24 that may be needed by games 100-106. Such data will be readily available for use by the games even if networks 18 and 19 are disabled or if central authority is disabled temporarily. As a result of these features, the gaming facility will remain operational even if some of its networks or central authority malfunction.

(emphasis added). Similarly, paragraph 59 (page 27) states:

> From time-to-time, the input data stored in database 24 may be required by game 100 or game 102. Such data periodically is copied from database 24 and is stored in database 46 by the data mover function of unit 40. For example, the data mover function of unit 50 may retrieve from database 24 ticket, player, meter and jackpot data originating from gaming machines 100 and 102 played within the preceding 36 hours (or another time period) and store the data in database 46. As a result, the data will be readily available for use by gaming machines 100 and 102 even if central authority 22 is temporarily disabled.

(emphasis added).

The above portions of the specification clearly show that the local data processing units transmit input data to gaming machines without command from a central authority. Indeed, the ability to transmit the input data to gaming machines in a manner independent of the central authority reflects a primary purpose of Applicants' invention: to improve reliability of data storage and communications. See ¶¶ 6, 11.

Accordingly, each of independent claims 1, 21 and 34 (and also, therefore, each of the dependent claims) has support within the originally filed specification. Applicants respectfully request that the Examiner's 35 U.S.C. 112 ¶ 1 rejections be withdrawn.

35 U.S.C. § 102 Rejection

Claims 1-7, 10, 21-24, 26, and 34-38 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5,766,076 to Pease et al. (the "Pease" reference). The Pease reference describes "a hierarchically-organized progressive gaming system in which the central system need not directly award a prize to a player at an individual gaming device or terminal." Col. 1, lines 65-68; Col. 2, line 1. Applicants respectfully submit that claims 1, 21, and 34 as amended are patentably different from the apparatus and method taught in the Pease reference.

The Examiner points to the central computer system 106 of the Pease reference as an equivalent of Applicants' claimed central authority, and points to the database maintained by processor 138 as an equivalent of Applicants' claimed second database (i.e., the database apart from the central authority). The Examiner further points to at least col. 2 (lines 12-16) and Figure 1 to show that the processor 138 transmits input data to a gaming machine.

However, the apparatus or method as defined in amended claim 1, 21, or 34 is fundamentally different from the apparatus or method disclosed by the Pease reference. The Pease reference fails to disclose that the processor 138 can transmit input data to a gaming machine independent of and without command from the central computer system 106. Nowhere does the Pease reference even suggest that this process or step could be performed when the central computer system 106 is inoperable. To the contrary, operation of the hierarchical progressive jackpot system disclosed in the Pease reference requires that the central computer system 106 be available and operable. See, e.g., Figures 2-6. Therefore, the claimed subject matter of claim 1, 21, or 34 of the present application is novel and patentably different from the Pease reference.

U.S. 6,682,421 to Rowe et al. (the "Rowe" reference) and the several other references previously made of record (which include U.S. 5,851,149 to Xidos et al., U.S. 6,275,867 to

Bendert et al., and U.S. 5,885,158 to Torango et al.) also fail to teach or suggest the elements discussed above that are missing in the Pease reference. Therefore, each of claims 1, 21, and 34 is novel and non-obvious over the prior art of record at least for these reasons, and are allowable as amended.

Claims 2-7, 10, 22-24, and 35-38 are dependent from claim 1, 21, or 34, and are thus allowable over the prior art of record at least for the same reasons as for claim 1, 21 or 34.

35 U.S.C. § 103 (Obviousness)

Claims 8, 9, 25, and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Pease reference in view of the Rowe reference.

Claims 8, 9, 25, and 39 depend on claim 1, 21, or 34. As discussed above, the Pease reference, the Rowe reference, and the other references of record do not teach each and every limitation of claim 1, 21 or 34, either alone or in combination, and thus, claims 1, 21, and 34 are allowable over the prior art of record. Therefore, claims 8, 9, 25 and 39 are allowable at least for the same reason as for claims 1, 21, and 34.

CONCLUSION

In view of the above amendments and remarks, Applicants respectfully request allowance of all pending claims 1-10, 21-26 and 34-39. A Notice of Allowance is respectfully solicited.

If the Examiner has any questions or if Applicants can be of any assistance, the Examiner is invited and encouraged to contact Applicants at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,
McAndrews, Held & Malloy, Ltd.

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